



So Ordered.

Dated: August 19, 2021

  
G. Michael Halfenger  
Chief United States Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF WISCONSIN

---

In re:

Hypervibe, Inc.,

Case No. 20-27367-gmh

Chapter 7

Debtor.

---

**ORDER DENYING MOTION TO ENLARGE THE TIME TO FILE A CLAIM**

---

The deadline to file proofs of claims in this case was February 23, 2021. On July 29, 2021, Courtney McFarlane filed correspondence that the court construes as a motion to enlarge the time to file a proof of claim in this bankruptcy case.

Federal Rule of Bankruptcy Procedure 3002(c)(5) governs the deadline for filing proofs of claims in this chapter 7 case. Ms. McFarlane did not file a proof of claim by the deadline, and there is no basis to enlarge the deadline under Rule 3002.

But §726(a)(2)(C) of the Bankruptcy Code directs distributions of estate property on the basis of a tardily filed unsecured claim if “(i) the creditor that holds such claim did not have notice or actual knowledge of the case in time for timely filing of a proof of such claim . . .; and (ii) proof of such claim is filed in time to permit payment of such claim”. 11 U.S.C. §726(a)(2)(C). Therefore, based on Ms. McFarlane’s assertion that she

did not receive information about timely filing a claim, she may be entitled to a distribution if she files a proof of claim in time to permit payment of that claim.

Accordingly, Ms. McFarlane's motion to extend the time to file a claim is DENIED without prejudice to her right to file a proof of claim and potentially receive payment under 11 U.S.C. §726(a)(2)(C) or (3). To assert a right to receive payment under 11 U.S.C. §726(a)(2)(C) or (3), Ms. McFarlane must file a proof of claim either electronically through the court's website or by filing a paper copy of Official Form 410 – Proof of Claim with the court.

#####